

Washington, DC - Reps. Linda Sánchez (D-CA) and Phil Hare (D-IL) spearheaded a congressional effort to urge Guatemalan President Alvaro Colóm to end the continued exploitation of and violence against workers and unions. 38 other Members of Congress joined them to send a letter to President Colóm urging him to address this dire situation and pledging their support to work with him to effectively enforce the nation's labor laws.

“Guatemala has serious anti-labor violence ranging from raids and attacks on union offices to threats, harassment, and even assassinations,” said Rep. Linda Sánchez, member of the Ways and Means Subcommittee on Trade. “The ongoing problems of worker exploitation and labor violence not only harm Guatemalan working families, but also violate Guatemala’s promises under CAFTA to enforce its own labor laws. It is unfortunate that this Bush-negotiated trade agreement did not include stronger protections for workers, which is why I am committed to changing our trade model to include better enforcement and stronger labor provisions.”

The Central American Free Trade Agreement passed Congress in 2005 and went into force with Guatemala in 2006. Since then, Guatemala has become the second most dangerous country for trade unionists in Latin America - with 9 assassinations and numerous death threats in 2008 alone. Last year, the AFL-CIO and six Guatemalan unions filed a complaint with the U.S. Department of Labor's Office of Trade and Labor Affairs (OTLA), calling on the Bush administration to demand the Guatemalan government take all measures necessary to end the violence and oppression of trade unionists.

This past January, just days before President Bush left office, the OTLA issued a report that confirmed the charges in the complaint and found additional serious rights violations. The report recommended several actions Guatemala could take to improve its record and promised to reassess the situation in consultation with the Office of the United States Trade Representative and the U.S. Department of State, in six months. Those six months are nearly up, but too little has changed for Guatemalan workers.

“As co-chair of the International Workers Rights Caucus, I firmly believe we have a moral obligation to ensure workers rights are upheld around the world,” said Rep. Phil Hare. “The submission under chapter 16 of the Central America Free Trade Agreement (CAFTA) put forth by the Guatemalan unions amounts to a full-fledged suppression of workers’ fundamental rights to organize, work in safe conditions, and receive the wages and benefits they have been promised. Not only are these violations of Guatemala’s commitment under CAFTA, an agreement with an extremely weak labor chapter to begin with, but violations of international labor standards. I hope President Colóm heeds the advice of our letter and does everything he can to tackle the continued exploitation of workers in his country.”

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Full text of the letter is as follows:

Dear President Colóm:

There is little question that your government faces several serious challenges, many of which have plagued Guatemala for decades. In addition to high levels of unemployment, poverty and inequality, which is worsening in the context of the current economic crisis, escalating criminal violence, fueled in part by drug trafficking, now threatens the security of the people and the nation. We applaud the considerable efforts you have undertaken in the relatively short time that you have been in office, and we extend to you our support to help address these seemingly insurmountable challenges.

Today, however, we call upon you to meaningfully address continued violations of worker rights in Guatemala. Upon ratifying the Central America Free Trade Agreement (CAFTA), the government of Guatemala assumed a binding obligation to enforce its existing labor laws and regulations. However, since July 1, 2006, when the trade agreement entered into force, labor violations and impunity for those violations remains the norm.

In an effort to get Guatemala to live up to its commitments under CAFTA, six Guatemalan unions, with the support of the AFL-CIO, filed a submission under Chapter 16 of CAFTA with the US Department of Labor's Office of Trade & Labor Affairs (OTLA) on April 23, 2008. The submission alleged several serious labor violations, including the firing of numerous union officers and members, the failure of employers to bargain in good faith, and failing to make required contributions into the health care system so that workers injured on the job can receive medical attention, among several others. The complaint also alleged the assassination of two union leaders for reasons related to their union activity.

On January 15, 2009, the OTLA issued its report. In each of the five cases detailed in the submission, the OTLA sustained both the facts and legal arguments, in whole or in large part, of the submitters. Indeed, in some cases, the report contained additional factual findings even more troubling than those alleged in the submission. For example, the report provides additional details regarding several, repeated failures by the government to act, including: a) failure of labor inspectors to conduct inspections over employers' objections (12 times); b) repeated failure of inspectors to use police power to access facilities when companies refused entry; and c) repeated failure of courts to enforce orders, where failure to comply with an order constitutes a criminal violation (11 times), among others. The OTLA found at that time that in no case had the labor violations been remedied in accordance with the law of Guatemala.

In the end, the OTLA gave the government six months to act on a set of recommendations related both to the resolution of the individual cases and to systemic failures in the administration of labor justice. On July 16, the OTLA will determine whether it will make a recommendation to the Secretary of Labor to call for formal consultations. It is our understanding that the government has made some, but insufficient, progress in the individual cases highlighted and has yet to begin to address the systemic concerns. We urge you to act upon these recommendations quickly and comprehensively.

The government must commit itself to do all that it can to tackle the continued exploitation of workers. If your government is willing to address this issue seriously, we will of course provide what support we can for your efforts. We firmly believe that improving working conditions is in

the long term interest of Guatemala. As the Organization for Economic Cooperation and Development (OECD) has observed, "countries which strengthen their core labor standards can increase economic growth and efficiency by raising skill levels in the work force and by creating an environment which encourages innovation and higher productivity." Further, "any fear& that better core standards would negatively affect the economic performance [of Guatemala] or [its] competitive position in world markets has no economic rationale."

Sincerely,

Linda Sánchez, Phil Hare, Tammy Baldwin, Bruce Braley, Michael Capuano, Andre Carson, John Conyers, Danny Davis, Peter DeFazio, William Delahunt, Rosa DeLauro, Lloyd Doggett, Eliot Engel, Chaka Fattah, Bob Filner, Al Green, Raul Grijalva, Rush Holt, Hank Johnson, Marcy Kaptur, Dennis Kucinich, Barbara Lee, Sander Levin, Dan Lipinski, Stephen Lynch, Eric Massa, James McGovern, Michael Michaud, Dennis Moore, Gwen Moore, Eleanor Holmes Norton, James Oberstar, Donald Payne, Jan Schakowsky, Brad Sherman, Adam Smith, Pete Stark, Betty Sutton, John Tierney, Lynn Woolsey,

1 The government of Guatemala ratified the Central America Free Trade Agreement on March 10, 2005. The agreement entered into force between the United States and Guatemala on July 1, 2006. 2 OECD, International Trade and Core Labor Standards (2000), p. 3. 3 OECD, Trade, Employment and Labor Standards (1996), p. 38.